

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2017 MAR -3 AM 11:37

STEPHAN HARRIS, CLERK
CASPER

United States District Court

District of Wyoming

Rogelio Rodriguez Jr

Plaintiff(s)

(In the space above enter the full name(s) of the plaintiff(s). If you cannot fit the names of all of the plaintiffs in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names),

v. (-against-)

Park County Detention Center

Deputy Sargent Harris

Deputy Lt. Torczon

Deputy Longo

Defendant(s)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

Case No. _____

(To be filled out by Clerk's
Office only)

COMPLAINT

(Pro Se Prisoner)

Jury Demand?

☐ Yes

☐ No

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☒ 42 U.S.C. § 1983 (*state, county, or municipal defendants*)
- ☐ *Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)*

PLAINTIFF INFORMATION

Rodriguez Rogelio

Name (Last, First, MI)

Aliases

21473

Prisoner ID #

Park County Detention Center

Place of Detention

Institutional Address

Park County Cody Wyoming 82414
County, City State Zip Code

PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☒ *Pretrial detainee*
☐ *Civilly committed detainee*
☐ *Immigration detainee*
☐ *Convicted and sentenced state prisoner*
☐ *Convicted and sentenced federal prisoner*

DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper using the same format for any additional defendants.

Defendant 1: Park County Detention Center
Name (Last, First)
Detention Center
Current Job Title
Park County Detention Center 1402 River View Drive
Current Work Address

Park County Wyoming 82414
County, City State Zip Code

Defendant 2: Sargent Hariss
Name (Last, First)

Sargent at Detention Center
Current Job Title

Park County Detention Center 1402 River View Drive
Current Work Address

Park County Cody Wyoming 82414
County, City State Zip Code

Defendant 3: Lt. Torrezon
Name (Last, First)

lieutenant at Detention Center
Current Job Title

Park County Detention Center 1402 River View Drive
Current Work Address

Park County Cody Wyoming 82414
County, City State Zip Code

Defendant 4: Deputy Longo
Name (Last, First)

Deputy at Detention Center
Current Job Title

Park County Detention Center 1402 River View Drive
Current Work Address

Park County Cody Wyoming 82414
County, City State Zip Code

STATEMENT OF CLAIM ONE

Place(s) of occurrence: Park County Detention Center

Date(s) of occurrence: February 12 2017 federal offence

State which of your federal constitutional or federal statutory rights have been violated:

Legal mail opened or tampered with violation of my Civil rights

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you

FACTS:

What happened to you?

on February 12 2017 my legal mail from United States district Court was opened before it got to my hands a federal offence and according to inmate Rule book "you legal mail will be opened in your presence in my case it was opened before it got to me the seal was peeled off regardless to what was used to seal the legal mail it was tampered with opened exposing my legal documents I went through the grievance process exhausted all remedies and appeals and got no resolution or names to who might of opened my legal mail I went through chain of command and still no resolution it was clear the mail was opened but no one wants to take accountability or be held accountable

Who did what?

I wrote a grievance towards Deputy Longo he stated the mail was peeled or opened but did not have access to the legal documents of had anything to do with the opening of the envelope

I appeal the grievance Deputy Harris answerd the appeal to Deputy Longo resulting with no resolution or names of who opened my legal mail quashing the issue I wrote a grievance to Lt Torczon he answerd back with no resolution or names to who might of opened my legal mail I appealed and he quashed my appeal telling me its no going to go any further I wrote the sherriff about this and never made to its destination they gave them back to me sayin I cant write the

Was anyone else involved?

Sheriff

STATEMENT OF CLAIM TWO

Place(s) of occurrence: Park County Detention Center

Date(s) of occurrence: March 1 2017

State which of your federal constitutional or federal statutory rights have been violated:

civil rights Certificate penal institution got destroyed

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

What happened to you?

On March 1 I gave Deputy the certificate of penal institution to fill out they gave it back stating I have to go through my attorney for that I followed instructions my attorney came March 2 he told me I did not need him for that because its a federal paper so he explained it to Deputy Clark he goes and fills it out completing the civil complaint packet I seal it in a envelope Deputy Clark came back told me he needed it back LT Torczon's orders at med pass I as Keel Sargent Colegrove about this paper He told me I was Destroyed LT. Torczon's orders I immediately greived this issue

Who did what?

Deputy Clark filled out Certificate of penal institution

Sargent Colegrove informed me the Certificate of penal institution was destroyed orders from LT Torczon

LT Torczon orders certificate of penal institution to be destroyed stopping my petition be complete

Was anyone else involved?

Deputy Clark
Sargent Colegrove

Witnesses that heard Sargent Colegrove say
the Certificate of penal institution was
Destroyed order from LT Torczon
Kaylob Parker inmate D unit
Robi Muller inmate D unit
Richard McKlousky inmate in D unit

[Attach additional sheets of paper using the same format for additional claims.]

ADMINISTRATIVE PROCEDURES

PLEASE NOTE: Prisoners **must exhaust** administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Exhaustion of Administrative Remedies as to Claim One

- (a) Is there a grievance procedure at your institution? ☒ Yes ☐ No
- (b) Have you filed a grievance about the facts in claim one? ☒ Yes ☐ No

(If you did not file a grievance, skip to d.)

(c) If your answer is YES:

1. Was the grievance: Informal ☐ Formal ☒ Both ☐
2. What was the result? no resolution
3. Did you appeal? ☒ Yes ☐ No
4. If you did appeal, what was the result? no resolution

(d) If your answer is NO, explain why you did not file a grievance: _____

Exhaustion of Administrative Remedies as to Claim Two

- (a) Is there a grievance procedure at your institution? ☒ Yes ☐ No
- (b) Have you filed a grievance about the facts in claim one? ☒ Yes ☐ No

(If you did not file a grievance, skip to d.)

(c) If your answer is YES:

1. Was the grievance: Informal ☐ Formal ☒ Both ☐
2. What was the result? pending I'm have in a hard time getting
grievances answer in timely manner
in this institution

3. Did you appeal? ☐ Yes ☐ No ← I will appeal
4. If you did appeal, what was the result? when I do I'll send separate I'm having problem getting grievances back in timely manner
- (d) If your answer is NO, explain why you did not file a grievance: _____

[Attach additional sheets of paper using the same format for additional claims.]

RELIEF

State briefly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

I want justice be made
compensation
who ever is guilty of opening my mail pay
consequences and be held accountable
and who ever is covering for this person pay consequences

PRISONER'S LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a ☒ Yes ☐ No prisoner?

If yes, how many? 3

Number each different lawsuit below and include the following:

Name of case (including defendants' names), court, and docket number

Nature of claim made

How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

Writ of habeas corpus dismissed without
prejudice lack of jurisdiction case NO. 17-CV-0004-S
Rogelio Rodriguez jr vs. Park County detention center
and Wyoming Attorney general
Civil rights violated Case NO. 2:17-CV-00014-SWS
Rogelio Rodriguez jr vs. Park County detention Center
Park County Detention Center Sergeant, aka Harris,
and Park County Detention Center Deputy AKA
Deputy Harris still pending

PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the

cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the facts in this complaint are true to the best of my knowledge, information and belief. I understand if this certification is not correct, I may be sanctioned by the Court.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Plaintiff must sign and date the complaint and provide prison identification number and prison address.

February 25 2017
Dated

Rogelio Rodriguez B
Plaintiff's Signature

Rodriguez Rogelio
Plaintiff's Printed Name (Last, First, MI)

21473
Plaintiff's Prison Identification #

Park County Detention Center Cody Wyoming 82414
Prison Address City State Zip Code

CERTIFICATION OF MAILING

I declare under penalty of perjury this Complaint was placed in the institutional mailing system or deposited with prison officials on the March 1 2017
(month, day, year). I attest first-class postage has been prepaid.

Executed (signed) on March 1 2017. (date)

Rogelio Rodriguez
Signature of plaintiff

Roselio Rodriguez Jr

PCDC

1402 River View Drive

Cody Wyoming 82414 MAIL

LEBAL MAIL

Clark United States District Court

1115. Wolcott Room 121

Casper WY 82601



Park County Detention Center
1402 Riverview Drive
Cody, WY 82414

Park County Detention Center
1402 Riverview Drive
Cody, WY 82414

Patrol March 2, 2017 11:pm
video surveillance

INDIGENT



THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT

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